



Entered on Docket
April 16, 2010

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

CHARLES T. WRIGHT, ESQ.
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PIET & WRIGHT
3130 S. Rainbow Blvd., Ste. 304
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Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

RIGONI, JAMES

RIGONI, NICOLE

Debtor(s),

CASE NO.: BK-S 09-27981-BAM
IN CHAPTER 11 PROCEEDINGS

MOTION TO VALUE COLLATERAL

Hearing Date: April 13, 2010
Hearing Time: 9:00 a.m.

**ORDER ON MOTION TO VALUE COLLATERAL, "CRAM DOWN" AND
MODIFY RIGHTS OF WELLS FARGO BANK, N.A. (ACCT. ENDING IN
6793) PURSUANT TO 11 U.S.C. 506(a) and 11 U.S.C. 1123(b)(5)**

THE ABOVE MATTER having been heard at the time and date above the
Court finds as follows:

1. The Debtor's property located at 2954 HIDDEN HOLLOW
CIRCLE, LOGANDALE, NEVADA 89021 (the "Subject Property") is valued at
\$338,000.00.

2. That on the filing date of the instant Chapter 11 Petition, WELLS
FARGO BANK, N.A. (ACCT. ENDING IN 6793)'s claim was partially unsecured in
the amount of \$189,439.00.

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1 **IT IS THEREFORE ORDERED THAT** WELLS FARGO BANK, N.A.
2 (ACCT. ENDING IN 6793) 's claim is bifurcated to a secured claim in the amount of
3 \$338,000.00 and a general unsecured claim in the amount of \$189,439.00 to be paid
4 pro rata with like unsecured creditors.

5 **IT IS FURTHER ORDERED THAT** WELLS FARGO BANK, N.A.
6 (ACCT. ENDING IN 6793) is stripped of its secured rights and/or lien-holder rights
7 in the unsecured portion of the bifurcated claim. Therefore, the secured rights in the
8 unsecured portion of the bifurcated claim are hereby terminated and shall be
9 reclassified as a non-priority general unsecured claim, which will be discharged only
10 upon successful completion of the confirmed Chapter 11 Plan. This Order shall not
11 alter the rights of this secured party should the case be converted or dismissed.

12 DATED this 13th day of April, 2010.

13 By: /s/ Charles T. Wright
14 CHARLES T. WRIGHT, ESQ.
15 Nevada Bar No. 10285
16 3130 S. Rainbow Blvd. Ste. 304
17 Las Vegas, NV 89146
18 *Attorneys for Debtors*

19 **ALTERNATIVE METHOD re: RULE 9021:**

20 In accordance with LR 9021, counsel submitting this document certifies as follows:

21 () The Court waived the requirement of approval under LR 9021.

22 () This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have
23 delivered a copy of this proposed order to all counsel who appeared at the hearing, any
24 unrepresented parties who appeared at the hearing, and each has approved or disapproved
25 the order, or failed to respond, as indicated below:

26 () This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order
27 to all counsel who appeared at the hearing, any unrepresented parties who appeared at the
28 hearing, and each has approved or disapproved the order, or failed to respond, as indicated
below:

(X) I certify that I have served a copy of this order with the motion, and no parties
appeared or filed written objections.